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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,545	03/13/2001	Hiroshi Tomonaga	FUJO 18.430	2690
26304	7590	09/07/2004		EXAMINER
		KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585		FERRIS, DERRICK W
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)
	09/805,545	TOMONAGA ET AL.
	Examiner	Art Unit
	Derrick W. Ferris	2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 March 2001.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 13 March 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/13/2001</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-17** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,507,584 B1 to *Moriwaki et al.* (“*Moriwaki*”).

As to **claim 1**, see figure 1 where a distribution unit is cell distributor 20-n, a switch unit is ATM switch 10-n, and a multiplexing unit is ATM assembler 30-n. In particular, the input packets are distributed sequentially on a plurality of paths in an arrival order, see e.g., column 6, lines 63-67.

As to **claim 2**, see figure 4 with respect to a distributing header and a same path. Also note e.g., column 6, lines 63-67 with respect to order.

As to **claim 3**, see switching units 10-1 through 10-n which are logically divided, see e.g., figure 1.

As to **claim 4**, a different number of lines could be used for the switching units, see e.g., column 3, lines 15-35 and column 5, lines 30-35. Furthermore, the number of lines are also arranged to match by using a dummy cell, see e.g., figure 5.

As to **claim 5**, see e.g., figure 4 with respect to a distributing header and a same path. In particular, the offset adding unit is shown as part of the controller 24 where the

predetermined value is stored in the distributive number register 244. The switches 10-n use the header to switch/route the cell based on the header as shown in figure 6. A selector is shown as part of the cell assembler in figure 9. The multiplexer is also further shown in figure 9.

As to **claim 6**, the input buffer is shown in figure 4. The architecture is also scalable, see e.g., column 3, lines 15-35.

As to **claim 7**, see the input buffer in figure 4 where the cell is stored based on the properties in the header.

As to **claims 8-9**, the controller 24 in the cell distributor contains values as part of a register unit including the value stored in distributive number register 244. The values in the registers are adjustable including setting a value used after an operation change is set.

As to **claim 10**, see similar rejection to claim 6 with respect to figure 4.

As to **claim 11**, see similar rejection to claim 1.

As to **claim 12**, see similar rejection to claim 2.

As to **claim 13**, see similar rejection to claim 5.

As to **claim 14**, see similar rejection to claim 6.

As to **claim 15**, see similar rejection to claim 1.

As to **claim 16**, see similar rejection to claim 7.

As to **claim 17**, see similar rejection to claim 10.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 20020131442A1 anticipates at least independent claims 1 and 11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663


DWF


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 9/26/04